

L Aid ON DESKS 11/7/16
GOVERNMENT SERVICES & ADMINISTRATION

RESOLUTION NO. 2016274

RE: LOCAL LAW NO. OF 2016. A LOCAL LAW
AMENDING ARTICLE III (EXECUTIVE BRANCH) OF
THE DUTCHESS COUNTY CHARTER

Legislators BORCHERT, MICCIO, FLESLAND, LANDISI, TRUITT,
SAGLIANO, and ROMAN offer the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No.
_____ of 2016 which has been submitted this day for consideration by said Legislature.

CA-153-16
JMF/CEB/kvh
10/14/16
G-1062

STATE OF NEW YORK
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of December 2016, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of December 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

RE: LOCAL LAW NO. _____ OF 2016. A LOCAL LAW
AMENDING ARTICLE III (EXECUTIVE BRANCH) OF
THE DUTCHESS COUNTY CHARTER.

BE IT ENACTED by the County Legislature of the County of Dutchess, State of New York as follows:

SECTION 1. LEGISLATIVE INTENT. The County Legislature hereby determines that it is in the best interest of the County to amend Article III (Executive Branch) of the Dutchess County Charter by modifying which titles of Dutchess County employees may serve as Acting County Executive.

SECTION 2. AMENDMENT OF THE DUTCHESS COUNTY CHARTER. Upon adoption of this Local Law, the existing Section 3.05 (Deputy County Executive(s): How Designated, Powers and Duties) shall be amended; Section 3.05-A (Acting County Executive; How Designated; Powers and Duties) shall be amended, and Section 3.07 (Vacancy in the Office of County Executive) shall be amended. These three Sections shall read as follows:

SECTION 3.05. DEPUTY COUNTY EXECUTIVE(S); HOW DESIGNATED; POWERS AND DUTIES. The County Executive shall have the power to appoint such Deputy County Executive(s) as may be deemed proper, in writing, each subject to confirmation by the County Legislature. A Deputy County Executive shall be directly responsible to, and serve at the pleasure of, the County Executive. A Deputy County Executive, when authorized by the County Executive, shall have all of the powers and perform all of the duties of the County Executive. A Deputy County Executive shall also have such authority as delegated by the County Executive consistent with this Charter. After confirmation of a Deputy County Executive(s) by the Legislature, such appointment(s) shall be filed with the County Clerk and the Clerk of the County Legislature.

SECTION 3.05-A. ACTING COUNTY EXECUTIVE; HOW DESIGNATED; POWERS AND DUTIES. The County Executive shall designate in writing, and in order of succession, the Department Heads and/or Deputy County Executive(s) who shall be Acting County Executive in the event the County Executive is either absent from the County or unable to perform and exercise the powers and duties of the Office of County Executive. The Acting County Executive shall have all the powers and perform all the duties of the County Executive. The designation and order of succession of Acting County Executive shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the County Executive filing a new written designation and order of succession. In the absence of such written designation and order of succession, and in the event an Acting County Executive need be appointed as set forth herein, the County Legislature shall appoint a department head or a Deputy County Executive as Acting County Executive.

SECTION 3.06. REMOVAL OF COUNTY EXECUTIVE. The County Executive may be removed from office only in the manner provided in the Public Officers Law.

SECTION 3.07. VACANCY IN THE OFFICE OF COUNTY EXECUTIVE. In the event of a vacancy in the office of the County Executive as described in Section 30 of the Public

Officers Law, the Acting County Executive shall succeed to the office of County Executive, and shall have all the powers and perform all of the duties of the County Executive. The Acting County Executive shall be designated according to the procedure outlined in Section 3.05-A. He/She shall hold the office of County Executive until the commencement of the calendar year next following the first annual election held not less than sixty (60) days after the occurrence of such vacancy, at which annual election a County Executive shall be elected from the County at large for the balance of the unexpired term.

SECTION 3. EFFECTIVE DATE. This Local Law is not subject to any mandatory or permissive referendum and, therefore, shall take effect immediately upon full compliance with all the requisite statutes and laws applicable to its adoption and promulgation.

FISCAL IMPACT STATEMENT

☒ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

Source of County Funds (check one): ☐ Existing Appropriations, ☐ Contingency,
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____

Over Five Years: _____

Additional Comments/Explanation:

Prepared by: Rachel Kashimer, Budget Office

Prepared On: 10/20/2016

acting department head for a period not exceeding forty (40) days in any calendar year unless extended by resolution of the County Legislature.

Section 3.05. Deputy County Executive(s); How Designated; Powers and Duties.

The County Executive may appoint such Deputy County Executive(s) as may be deemed proper, in writing, each subject to confirmation by the County Legislature. After confirmation, such appointment(s) shall be filed with the County Clerk and the Clerk of the County Legislature. Each Deputy County Executive shall serve at the pleasure of the County Executive during the term(s) of Office of the appointive County Executive and shall have such authority as delegated by the County Executive consistent with this Charter. A Deputy County Executive, as authorized by the County Executive, shall have all of the powers and perform all of the duties of the County Executive in the event of the County Executive's absence from the County or temporary inability to perform and exercise the powers and duties of the Office of County Executive.⁴⁰

Section 3.05-A. Acting County Executive; How Designated; Powers and

Duties. The County Executive shall designate in writing, and in order of succession, the department heads who shall be Acting County Executive in the event the County Executive and the Deputy County Executive(s) are absent from the County or temporarily unable to perform and exercise the powers and duties of their Offices as set forth above in Section 3.05. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the County Executive filing a new written designation and order of succession. In the absence of such written designation and order of succession, and in the event of the absence of the County Executive and Deputy County Executive(s) from the County or temporary inability to perform and exercise the powers and duties of their Offices as set forth above in Section 3.05, the County Legislature shall appoint a department head as Acting County Executive. The Acting County Executive shall have all the powers and perform all the duties of the County Executive. In no event shall a Deputy County Executive succeed to the Office of Acting County Executive due to a vacancy in the Office of County Executive only department heads may succeed to that Office.⁴⁰

Section 3.06. Removal of County Executive. The County Executive may be removed from office only in the manner provided in the Public Officers Law.

Section 3.07. Vacancy in the Office of County Executive. In the event of a vacancy in the office of the County Executive as described in Section 30 of the Public Officers Law, the Acting County Executive shall succeed to the office of County Executive, and shall have all of the powers and perform all of the duties of that office. He shall hold the office of County Executive until the commencement of the calendar year next following the first annual election held not less than sixty (60) days after the occurrence of such vacancy, at which annual election a County Executive shall be elected from the County at large for the balance of the unexpired term.⁴¹